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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHOW, JEFFREY J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/765,045	NUMANO, FUJIHITO	
	Examiner	Art Unit	
	Jeffrey J. Chow	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/3/06, 1/4/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/765,045, filed on 28 January 2004.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "person who watches the image" with or without the remote control (claim 12 and 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because it is essentially a repeat of claim 1 and not in narrative form and does not describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details and the abstract is over 150 words long. Correction is required. See MPEP § 608.01(b).

Content of Specification

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

The disclosure is objected to because of the following informalities: the summary must be distinct from the abstract, the summary is essentially a repeat of the claims, and does not benefit the reader in briefly understanding the invention in a brief time period where the reader would have to go to the detailed description to finally understand the invention in a longer time period. The summary should be brief and consist of general statements of the inventions.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12 – 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 12 and 14 recites the display device being dependent on “the distance between the display unit and a person who watches the image”. The detail description states “According to the embodiment, there are provided a display device and display magnifying method which are improved in the visibility and operability without the necessity of user’s particular operation” (page 23, lines 22 – 25). No where in the detail description states that the user is holding the remote control. The detail specification specifically states the invention in relationship with the display device and the remote control.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshiyuki (JP 07-274087).

Regarding independent claim 1, Toshiyuki discloses a TV 14, a remote control 10, and a detecting circuit 11b that changes the detected receiving level into the distance information according to the distance of remote control 10 and the TV 14, (paragraph 42), and where the size of an onscreen display is changed continuously (paragraph 80) and the display composition means displayed in the state of the display according to said distance information (paragraph 81), which reads on the claimed display unit which displays an image and can be remotely controlled by a remote controller and the claimed control unit which magnifies a predetermined information included in the image displayed by the display unit, according to a distance between the remote controller and the control unit.

Regarding dependent claim 2, Toshiyuki discloses the detecting circuit 11b that changes the detected receiving level into the distance information according to the distance of remote control 10 and TV 14 (paragraph 42), which reads on the claimed control unit comprises a distance measuring unit which measures the distance, when receiving a predetermined signal from the remote controller.

Claims 1, 4, 6, 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumakazi (JP 04-367997)

Regarding independent claim 1, Kumakazi discloses the CPU 4g that calculates the distance between the remote control switch 4 and the destination notice board (paragraph 40) and based on the distance of the remote control switch 4, the desired information is expanded to the

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display (paragraph 37 and Figure 10), which reads on the claimed image being displayed to a display unite and the claimed predetermined information included in the display being magnified according to a distance between the displaying unit and a remote control.

Regarding dependent claim 4 and 6, Kumakazi also discloses Figure 10 where a predetermined information is magnified based on distance, which reads on the claimed control unit magnifies the predetermined information according to control information attached to the image displayed by the display unit and the claimed control unit magnifies character information included in the image displayed by the display unit.

Regarding dependent claims 10 and 11, Kumakazi discloses the standard display processing for restoring the display to standard size is performed after a fixed length of time has elapsed (paragraph 41), which reads on the claimed control unit resets a magnifying process according to an external instruction and the claimed control unit rests a magnifying process, when the display unit is operated by an operating means other than the remote controller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiyuki (JP 07-274087).

Regarding independent claim 12 and 14, Toshiyuki discloses a TV 14, a remote control 10, and a detecting circuit 11b that changes the detected receiving level into the distance information according to the distance of remote control 10 and the TV 14, (paragraph 42), and where the size of an onscreen display is changed continuously (paragraph 80) and the display composition means displayed in the state of the display according to said distance information (paragraph 81). Toshiyuki did not explicitly disclose a distance between the person and the display unit. It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Toshiyuki's system to have a person holding the remote control to adjust the displayed text area based on user's distance with the remote control, which allows the display unit to magnify the desired image based on user's distance with the remote control instead of the position of the remote control itself.

Claims 3, 5, 7 – 9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiyuki (JP 07-274087) in view of Lee (US 2003/0234799).

Regarding dependent claims 3, Toshiyuki did not explicitly disclose a threshold value. Lee discloses a window that has a limitation to the length of the distance to be 3m while magnifying the window by 500% (Figure 4). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Toshiyuki's system with Lee's teachings of having a threshold value to have a maximum magnification to a specified maximum distance between the remote control and the display unit, to reasonable magnify a portion of the screen to

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get decent resolution of the screen and to be able to ascertain the image being displayed without the image being distorted or blocky due to magnification.

Regarding dependent claims 5, Toshiyuki did not explicitly disclose a magnification of the whole screen. Lee discloses the size of the image being adjusted accordingly to the distance between the display apparatus and the user (claim 1). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Toshiyuki's system with Lee's teachings of magnifying the whole image in the display apparatus to magnify the whole image in the display apparatus based on the distance between the display apparatus and the remote control, which allow users holding the remote control to clearly see an image in the display apparatus through magnification at a large distance.

Regarding dependent claim 7 – 9, 15, and 16, examiner takes official notice that both the concept of television programs and the advantage of subtitles or closed captioning are well known and expected in the art. Therefore it would have been obvious to include close captioning or subtitles in television programs in order to have hearing impaired people to be able to understand television programs by reading subtitles or close captioning. It is inherent that all working television has video input. Toshiyuki did not disclose a magnification of subtitles based on the distance between the display unit and the remote control. Toshiyuki did not disclose the magnification of operational icons based on the distance between the display unit and the remote control. Toshiyuki did not disclose the magnification of predetermined information included in the video content. Lee discloses the size of the image being adjusted accordingly to the distance between the display apparatus and the user (claim 1). It would have been obvious for one of ordinary skill in the art at the time of the invention that the combination of Toshiyuki's system

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and Lee's teachings given above magnifies subtitles and operational icons since the combination of Toshiyuki's system and Lee's teachings can display subtitles and operational icons in the whole image and when the whole image is magnified, the subtitles and operational icons are also magnified with the whole image given the motivation stated above.

Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiyuki (JP 07-274087) in view of Ryogi (JP 2001-282210).

Regarding dependent claim 9 and 13, Toshiyuki did not explicitly disclose the magnification of predetermined information included in the video contents. Ryogi discloses predetermined information being enlarged based on user selection (Figures 6 and 7). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Toshiyuki's system with Ryogi's teaching of magnifying predetermined information in a video display to magnify predetermined information in a video display based on the distance between the display unit and the remote control, which allow users to concentrate on the selective magnified part of the image while leaving the rest of the image the same.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Chow whose telephone number is (571)272-8078. The examiner can normally be reached on Monday - Friday 10:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER